

**Response To Notice To File Missing Parts Of Application**  
**Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.  
 HER0071

In Re Application Of: Ono Etsuro et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/530,539	April 6, 2005	Unknown	00832	Unknown	5349

Invention: **METHOD FOR PRODUCING A MAMMAL PROVIDED WITH RESISTANCE TO AN ALPHA-HERPES VIRUS MEDIATED INFECTION AND MAMMAL OBTAINED BY IMPLEMENTING SAID METHOD AND SAID MAMMAL'S PROGENY**

Mail Stop Missing Parts

COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on August 29, 2005  
*Date*

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☒ A properly signed oath or declaration in compliance with 37 CFR 1.63.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☒ Other (list):

A CD containing the "Sequence Listing" in computer readable form in duplicate

Sequence Listing Statement

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**TO THE COMMISSIONER FOR PATENTS:**

**Mail Stop Missing Parts**

☒ Completion of application fees as calculated below:

<input type="checkbox"/> Utility application basic fee	_____
<input type="checkbox"/> Design application basic fee	_____
<input type="checkbox"/> Search Fee	<b>\$0.00</b>
<input type="checkbox"/> Examination Fee	<b>\$0.00</b>
<input type="checkbox"/> Total number of independent claims = _____	_____
<input type="checkbox"/> Total number of claims = _____	_____
<input type="checkbox"/> Multiple dependent claims	_____
<input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath	<b>\$130.00</b>
<input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor	_____
<input type="checkbox"/> Fee for processing an application filed with a non-English language specification	_____
<input type="checkbox"/> Fee for processing and retention of application	_____

09/15/2005 ATRAN1 00000075 10530539

01 C:1617 130.00 OP

Total completion of application fees **\$130.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: \_\_\_\_\_ until: \_\_\_\_\_  
Date Date

Total time extension fees \_\_\_\_\_

Total fees due **\$130.00**

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10/530,539	April 6, 2005	Unknown	00832	Unknown	5349

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TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

The fee of **\$130.00** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **02-0385**
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **02-0385**
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

*Signature*

**Anthony Niewyk, Reg. No. 24,871  
BAKER & DANIELS LLP  
411 East Wayne Street, Suite 800  
Fort Wayne, IN 46802  
TX: 260-424-8000  
FX: 260-460-1700**

Dated: **September 15, 2005**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

**September 15, 2005**

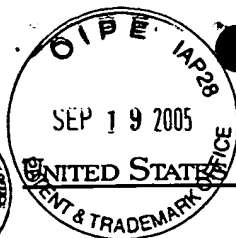
(Date)

*Signature of Person Mailing Correspondence*

**Anthony Niewyk**

*Typed or Printed Name of Person Mailing Correspondence*

CC:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/530,539	FIRST NAMED APPLICANT Ono Etsuro	ATTY. DOCKET NO. HER0071
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Anthony Niewyk  
 Baker & Daniels  
 111 East Wayne Street  
 Suite 800  
 Fort Wayne, IN 46802

*Sequence Listing Declaration*  
 REPLY DUE: 10-29-05  
 DOCKET 1 ☒ DOCKET 2 ☒

INTERNATIONAL APPLICATION NO. PCT/FR03/03024	
IA. FILING DATE 10/14/2003	PRIORITY DATE 10/15/2002

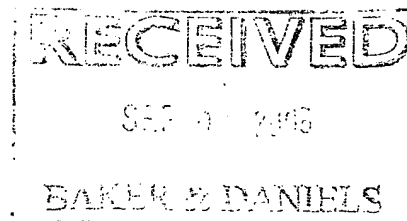
CONFIRMATION NO. 5349  
 371 FORMALITIES LETTER  
 \*OC000000016886770\*  
 \*OC000000016886770\*

Date Mailed: 08/29/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/06/2005
- English Translation of the IA filed on 04/06/2005
- Preliminary Amendments filed on 04/06/2005
- Information Disclosure Statements filed on 04/27/2005
- Biochemical Sequence Listing filed on 04/06/2005
- Request for Immediate Examination filed on 04/06/2005
- U.S. Basic National Fees filed on 04/06/2005
- Priority Documents filed on 04/06/2005
- Power of Attorney filed on 04/06/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/530,539	PCT/FR03/03024	HER0071